

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF ILLINOIS**

MARVIN B. STRODE, et al.,	)	
	)	
Plaintiffs,	)	
	)	Case No. 3:06-CV-228-GPM
vs.	)	
	)	
THE CITY OF VENICE, et al.,	)	
	)	
Defendants.	)	

**PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' MOTION TO QUASH  
AND MOTION FOR LEAVE TO TAKE ADDITIONAL DEPOSITIONS**

Plaintiffs, by and through their attorneys, The Rex Carr Firm, LLC, respond to Defendants' Motion to Quash and move this court for leave to take additional depositions as follows:

1. In this action, Plaintiffs state claims arising under both federal and state law against the City of Venice and six individual defendants in both their official and individual capacities. Plaintiffs' Complaint includes claims of wrongful termination.
2. Plaintiffs were part time police officers in the City of Venice.
3. Thus far, Plaintiffs have taken depositions of six defendants (Echols, Newsome, Tyler, Garrett, Fisk and Jones) as well as the deposition of one witness (Timothy Fisk).
4. Plaintiffs further seek the depositions of the eight (8) Aldermen who made the decision to terminate Plaintiffs.
5. According to the former Venice Chief of Police, James Newsome, the Aldermanic Counsel of the City of Venice has the discretion to hire and fire part-time employees. Exhibits A, Transcr. Depo. James Newsome 3-10 (Apr. 30, 2007).

6. The Venice City Counsel Minutes for April 18, 2005 indicate that Alderman Valentine moved for the termination of Plaintiffs, Alderman C. Williams seconded the Motion, and Aldermen Wilson, Johnson, Gilmore, R. Williams, Ervin and Massie approved the Motion. Exhibit B, Venice City Counsel Meeting Minutes (April 18, 2007).

7. Because the aforementioned Alderman were the persons that terminated Plaintiffs, their testimony may be crucial in the trial of this action.

8. At the deposition of Tyrone Echols on April 30, 2007, Plaintiffs' attorney informed John Briggs that the depositions of the aforementioned Aldermen would be necessary.

9. On May 3, 2007, Plaintiffs' secretary left voicemail messages for both John Briggs and Steve Wolz (Mr. Briggs' paralegal) regarding the depositions of the aforementioned Aldermen. Exhibit C, Letter from Christian G. Montroy to John Briggs and Steve Wolz (May 3, 2007). On that same day, Plaintiffs sent a letter to defense regarding these depositions. Id.

10. Plaintiffs' attorney has not "consulted" with defense counsel because defense counsel does not return phone calls or respond to letters regarding any depositions, including those of the aforementioned Aldermen.

11. Defense counsel has made litigating this case exceedingly difficult by refusing to cooperate with discovery. Defense counsel has not responded to any requests for depositions prior to Plaintiffs' noticing the depositions, despite Plaintiffs' repeated attempts to contact defense counsel by phone and by mail. See e.g., Exhibit D, Letter from Christian Montroy to John Briggs (4.4.07)(Plaintiffs' request to schedule depositions); Exhibit E, Notice of Deposition for Harrell, Jones, Fisk, Garrett, Tyler, Newsom & Echols (Apr. 10, 2007); Exhibit F, Letter from Steve Wolz to Christian Montroy (Apr. 10, 2007)(first response from Brown & James regarding scheduling depositions).

10. Even after Plaintiffs counsel has noticed a deposition and scheduled a court reporter, and then renoticed a deposition and rescheduled a court reporter, defense counsel has not produced its deponents. See Pl.'s Mt. to Compel (Apr. 23, 2007); Pl's Mt. for Sanctions (Mar. 8, 2007).

**WHEREFORE**, Plaintiffs ask this Court to deny Defendants' Motion to Quash, and to grant Plaintiffs leave to take the depositions of the aforementioned Aldermen.

Respectfully submitted,

THE REX CARR LAW FIRM, LLC,

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 24, 2007 I electronically filed PLAINTIFFS' COMBINED RESPONSE TO DEFENDANTS' MOTION TO QUASH AND MOTION FOR LEAVE TO TAKE ADDITIONAL DEPOSITIONS with the Clerk of Court using the CM/ECF system which will send notification of such filings(s) to the following:

John D. Briggs  
1010 Market Street, 20<sup>th</sup> Floor  
St. Louis, MO 63101

James Craney  
1010 Market Strete, 20<sup>th</sup> Floor  
St. Louis, MO 63101

Heidi L. Eckert  
521 West Main Street, Suite 300  
Belleville, IL 62222

Bruce Carr  
412 Missouri Avenue  
East St. Louis, IL 62201

and I hereby certify that on May 24, 2007 mailed by United States Postal Service, I mailed a copy of the Entry of Appearance to the following non-registered participants:

None

Respectfully Submitted,

s/Christian G. Montroy\_\_\_\_\_  
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